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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/061,171

02/01/2002

Michael S. Beadle

01CON263P-CIP

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08/08/2006

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EXAMINER

HOANG, THAI D

ART UNIT

PAPER NUMBER

2616

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

87

Office Action Summary	Application No.	Applicant(s)	
	10/061,171	BEADLE ET AL.	
	Examiner	Art Unit	
	Thai D. Hoang	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The "Replacement Sheet" submitted on 05/25/2006 of figure 3 has been added new matter: a receiver 313, a processor 315 and a transmitter 317. It is not entered, therefore.

The objection of the original drawing is maintained follows:

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the receiver, a processor, and a transmitter recited in claims 14 and 20 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The amendment filed on 05/25/2006 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: a receiver 313, a processor 315 and a transmitter 317.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Objections

Claims 1-7 are objected to because of the following informalities:

Claim 1, line 6, one of phrases "analog data" after "voiceband" should be deleted.

Claims 2-7 are objected because they depend on objected claim 1.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to

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which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding claims 1, 8, 14 and 20, the specification does not disclose or define to support "a voiceband analog data signal" as recited in claims 1, 8, 14 and 20.

Claims 2-7, 9-13, 15-19 and 21-25 are rejected because they depend on rejected claims 1, 8, 14 and 20 respectively.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-9, 11-21 and 23-25 are rejected under 35 U.S.C. 102(e) as being unpatentable by Scott, US Patent No. 6,470,046.

Regarding claims 1, 4, 14 and 16, as best understood, Scott discloses an apparatus and method for a combined DSL and voice system. Scott teaches the system, comprising:

a modem and voice bank 60A at central office 11A receives an analog data signal from modem 45A over telephone line 47A, figs. 3-4, col. 4, lines 55-59 (receiving an analog data signal over a telephone line from a first analog modem);

the modem and voice bank 60A comprises a plurality of codec 62s and a DSP logic 63, which generate linear coding analog data signal received from modem 45, figs. 4 and 6, col. 4, line 64-col. 5, line 3 (utilizing a linear coding process to generate a plurality of digitized analog data signal samples from said analog data signal);

transmitting the digitized analog data signal to another modem and voice bank 60A at central office 11B, fig. 3 (transmitting said plurality of digitized analog data signal samples via said one or more digital signal lines to a second analog modem).

Regarding claims 2-3, 7, 9, 15, 19, 21 and 25, as best understood, Scott discloses digital communication link 75 and 25 can be comprised of 8, 16, 32 or other bit size digital parallel communication link (col. 5, lines 54-56). Furthermore, Scott discloses that any sample rate is possible as long as it is a multiple of the 8 KHz (i.e. 8 KHz, 16 KHz, 32 KHz...), col. 2, lines 12-13 (wherein said linear coding process uses a sampling rate of about 16 kHz, 32 kHz with an 8 bits/sample).

Regarding claims 5, 11, 17 and 23, as best understood, Scott discloses that the digitized analog data signal samples sent from central office 11A to central office 11B over Internet 29, fig. 3 (wherein said plurality of digitized analog data signal samples reach said remote access server modem over an IP link)

Regarding claims 6, 12, 18 and 24, as best understood, the digitized analog data signal samples in the system disclosed by Scott is transmitted over two digital lines 25 and 21, figs. 3-4 (wherein said one or-more digital signal lines has two digital signal lines, and wherein said transmitting transmits said plurality of digitized analog data signal samples via said two digital signal lines)

Regarding claims 8 and 20, Scott discloses an apparatus and method for a combined DSL and voice system. Scott teaches the system, comprising:

a modem and voice bank 60A at central office 11A receives an analog data signal from modem 45A, figs. 3-4, col. 4, lines 55-59 (receiving an analog data signal over a telephone line from a first modem);

the modem and voice bank 60A comprises a plurality of codec 62s and a DSP logic 63, which generate linear coding analog data signal received from modem 45, figs. 4 and 6, col. 4, line 64-col. 5, line 3 (utilizing a linear coding process to generate a plurality of digitized analog data signal samples from said analog data signal);

transmitting the digitized analog data signal to another modem and voice bank 60A at central office 11B, fig. 3 over a TDM bus (transmitting said plurality of digitized analog data signal samples via said one or more digital signal lines to a second modem).

the modem and voice bank 60A at central office 11B demodulates digitized analog data signal samples and transmits them over another TDM bus 75, figs. 3-6.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scott as applied to claims above, and in view of Stockman et al, US Patent No. 6,785,340 B1, hereinafter referred to as Scott and Stockman respectively.

Claims 10 and 22, Scott does not disclose the modem is a digital loop carrier modem. However, Stockman discloses a universal digital loop carrier system, which comprises a digital modem 100 (fig. 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Stockman's system into the system disclosed by Scott in order to allow the modem could be installed at different places in the network.

Response to Arguments

Applicant's arguments filed 05/25/2006 have been fully considered but they are not persuasive.

Pages 12-13 of the remarks, Applicant argues that the analog data signal received from modem 45A is not transmitted in a "voiceband" as recited in amended claims. Examiner believes that the argument in the remarks is not relevant because it is directed to subject matter not disclosed in the specification.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

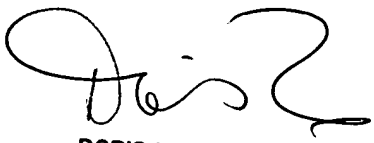
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai D. Hoang whose telephone number is (571) 272-3184. The examiner can normally be reached on Monday-Friday 10:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on (571) 272-7629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TH

Thai Hoang


DORIS H. TO
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Replacement Sheet

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FIG. 3

